

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

CENTER FOR BIOLOGICAL DIVERSITY,
a non-profit corporation, and
ENVIRONMENTAL DEFENSE CENTER, a
non-profit corporation,

Plaintiffs,

v.

U.S. FISH & WILDLIFE SERVICE, and
GALE A. NORTON, Secretary of the Interior,

Defendants.

No. C 04-04324 WHA

**ORDER REGARDING
SUPPLEMENTAL BRIEFING**

All parties shall please submit supplemental memoranda, addressing the following:

1. What in the record shows the harm, if any, or the good, if any, to the California Tiger Salamander flowing from routine ranching activities? Please distinguish between the administrative record and the litigation record. Please faithfully summarize and avoid “spin.” Do not overstate or understate the evidence.

2. If a remand occurs, either voluntarily or after reaching the merits, does the Court have the authority to vacate all of the rule but to allow ranchers, pending the remand, to continue routine ranching activities?


Please file by **JULY 29 AT NOON**. Copies should be brought directly to chambers. Parties are limited to five pages each. All intervenors count as one party and may submit five pages total.

1 Memoranda should be double-spaced, in twelve-point-font and should not include footnotes.

2 Please do not submit declarations or appendices.

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4 **IT IS SO ORDERED.**

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6 Dated: July 19, 2005.

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8 WILLIAM ALSUP
9 UNITED STATES DISTRICT JUDGE
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